

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
C.F. Communications Corp., et al.)
)
Complainants,)
)
v.)
)
Century Telephone of Wisconsin,)
Inc., et al.)
)
Defendants)
)

EB Docket No. 01-99

File Nos. E-93-43
E-93-44
E-93-45

To: **Arthur I. Steinberg**
Administrative Law Judge

**ANSWERS TO THE SECOND DOCUMENT PRODUCTION REQUEST OF
ASCOM COMMUNICATIONS, INC. N/K/A ASCOM HOLDING, INC.**

Carolina Telephone and Telegraph Company, in File No. E-93-43, United Telephone Company of Pennsylvania, in File No. E-93-44, and United Telephone Company of Florida in File No. E-93-45 ("Defendants") by their attorneys and pursuant to Sections 1.325 of the Commission's Rules, hereby responds to Complainant Ascom Communications, Inc.'s Second Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Defendants object to these Production Requests to the extent that they seek any information or material that is subject to the attorney-client privilege, the attorney work product privilege, or the common interest privilege or information or material that was prepared in anticipation of litigation or that otherwise constitutes protectable work product.

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2. Defendants object to the use of the “Sprint payphone” as this term is vague.
3. Defendants object to any request requiring production of any material for the period prior to January 11, 1991 because Plaintiff has not sustained any damages recoverable before this time pursuant to the statute of limitations.
4. Defendants object to Complainant’s Definition Number 3 defining the terms “Complainant” and “Plaintiff” to the extent that these definitions apply to any entity other than Ascom Communications, Inc., Ascom Holding, Inc. and U.S. Communications of Westchester, Inc. It is unduly burdensome and speculative to require Defendants to identify entities that the Complainant itself has not identified.
5. Defendants object to the Complainant’s Definition Number 5 defining the terms “Defendant,” “you,” “your,” and “Sprint” to the extent that these definitions apply to any entity other than United Telephone Company of Pennsylvania, United Telephone Company of Florida and Carolina Telephone and Telegraph Company.
6. Defendants object to any request requiring production of any material for the period after November 1993 because the Plaintiff sold its payphones at that time and, therefore, Plaintiff has not sustained any damages recoverable after that time.

REQUESTS FOR PRODUCTION

1. Any and all documents in your possession, custody, or control that you identified, relied upon, or referred to in responding to Complainant’s Second Set of Interrogatories to Defendant.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request as it is vague, unduly burdensome, and insufficiently designates the information sought. Defendants object to

this request to the extent that the Complainant's Second Set of Interrogatories to Defendants were not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent that it requests documents that are publicly available and, therefore, Complainant has, or should have, the documents sought.

Answer

Subject to and without waiving the specific objections and the foregoing "General Objections," Defendants state that they will make available the documents fairly called for by this Request, at a mutually agreeable time, for Complainant's inspection, copying, and review at Defendants' place of business subject to Complainant's agreement to a reasonable confidentiality agreement.

2. Any and all maintenance records from the time period 1987 through April 14, 1997 for each Sprint payphone access line connected to a payphone owned and/or operated by Complainant during this time period.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request because it is vague, unduly burdensome, and not relevant to the extent it requests documents concerning payphone access lines connected to a payphone "owned and/or operated" by Complainant. Defendants object to this request for the production of maintenance records because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request as Complainant's business records should include this information and it is unduly burdensome for Defendants to provide such documents.

3. Any and all training records for Sprint service representatives, customer service representatives, and/or business office personnel during the time period from 1987 through April 14, 1997 relating to the classification of payphones and/or telephone service as “public” or “semi-public” and/or the billing or payment of telephone services provided to independent payphone providers, business line subscribers, and/or residential line subscribers.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Any and all documents regarding any payments by Complainant of a deposit to Sprint, during the time period from 1987 through April 14, 1997, in connection with Sprint’s provision of telephone service to Complainant, including any and all documents relating to any requests for such payments from Complainant.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

5. Any and all documents regarding any and all instances, during the time period from 1987 through April 14, 1997, when a premises owner or lessor paid Sprint a recurring fee or any other compensation for providing a Sprint-owned payphone on the premises owner’s or lessor’s premises.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Any and all documents regarding any policies, procedures, and/or practices of Sprint, during the time period from 1987 through April 14, 1997, regarding credit ratings and/or credit scores of independent payphone providers that subscribed to Sprint payphone access lines, including, but not limited to, any and all documents regarding any credit treatment policies of Sprint.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ credit policies are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

7. Any and all documents regarding any and all policies, procedures, and/or practices of Sprint, during the time period from 1987 through April 14, 1997, regarding the payment of a deposit to Sprint by independent payphone providers in connection with Sprint’s provision of public access telephone service.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ deposit policies are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

8. Any and all documents regarding any and all policies, procedures, and/or practices of Sprint, during the time period from 1987 through April 14, 1997, regarding the tariffing and/or classifying of payphones provided and/or owned by Sprint as “public” or “semi-public.”

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. Any and all documents regarding any and all questions that Sprint service representatives, customer service representatives, and/or business office personnel were instructed and/or required to ask, and/or information that such personnel were instructed and/or required to obtain from, potential Sprint pay telephone service subscribers, during the time period from 1987 through April 14, 1997.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is vague, overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

10. Any and all documents regarding any and all policies, procedures, and/or practices of Sprint during the time period from 1987 through April 14, 1997 regarding the nonpayment of telephone bills, EUCL charges, and/or other charges by subscribers to Sprint payphone access lines, including any and all documents regarding any and all policies, procedures, and/or practices of Sprint regarding denial for nonpayment and/or assessment of late charges on subscribers to Sprint payphone access lines.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is vague, duplicative, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ policies for nonpayment are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

11. Any and all studies, reports, and/or documents prepared by, or at the direction of, Sprint during the time period from 1987 through April 14, 1997 regarding anticipated and/or actual revenues, revenue streams, and/or profits from potential or actual Sprint-owned payphones.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

12. Any and all documents gathered, created, and/or generated by Sprint as part of Sprint’s assistance in the dialaround compensation process during the time period from 1987 through April 14, 1997, including, but not limited to, any and all LEC verification records and/or lists of ANIs submitted by Sprint to any third party or third parties as part of the dialaround compensation process.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request because it is vague, unduly burdensome, overly broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Any and all documents regarding any and all policies, practices, or procedures of Sprint, during the time period from 1987 through April 14, 1997, regarding disputed charges, nonpayment of disputed charges, assessment of late charges because of nonpayment of disputed charges, and/or termination or suspension of service for nonpayment of disputed charges.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request because it is vague, unduly burdensome, duplicative, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing "General Objections," Defendants' policies regarding disputed charges are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

14. Any and all state and federal tariffs and tariff provisions relating to any and all policies of Sprint, during the time period from 1987 through April 14, 1997, regarding disputed charges, nonpayment of disputed charges, assessment of late charges because of nonpayment of disputed charges, and/or termination or suspension of service for nonpayment of disputed charges.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request as vague, unduly burdensome, and not relevant. Defendants object to this request because their tariffs are publicly available and, therefore, Complainant has, or should have, the information requested.

15. Any and all documents regarding any and all communications between Sprint and National Payphone Clearinghouse, during the time period from 1987 through April 14, 1997, regarding or reflecting the ANIs of Complainant's payphones connected to Sprint payphone access lines.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this request because it is vague, overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

16. Any and all documents regarding the document retention and destruction policy or policies of Sprint during the period from 1987 through the present concerning the retention and/or destruction of records relevant to informal and/or formal complaint proceedings before the Federal Communications Commission.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this request as overly broad, unduly burdensome and not relevant.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants will make the documents in Defendants’ possession, custody, or control that are fairly called for by this Request available, at a mutually agreeable time, for Complainant’s inspection, copying, and review at Defendants’ place of business subject to Complainant’s agreement to a reasonable confidentiality agreement.

17. For each Request for Admission contained in Complainant’s First Set of Requests for Admission of Facts and the Genuineness of Documents served in these proceedings that you denied, in whole or in part, any and all documents supporting such denial.

Objection

The requests for admissions were answered in accordance with Section 1.246(b) of the Rules, which does not require the responding party to identify any and all documents supporting a denial.

18. For each Request for Admission contained in Complainant’s First Set of Requests for Admission of Facts and the Genuineness of Documents served in these proceedings that you did not specifically admit or deny, any and all documents regarding, reflecting, or relating to the reasons why you cannot truthfully admit or deny the matter contained in the Request for Admission.

Answer


The Defendants answered the requests for admissions with either (a) an admission, (b) a qualified admission, (c) a denial, or (d) through interposing an objection, in accordance with

Section 1.246(b) of the Rules. The Defendants did not respond to any of the requests by stating that they could not admit or deny the matter.

As to Specific and General Objections:

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Dated: August 2, 2001

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2001 a copy of the foregoing was served by first-class United States mail, postage prepaid, on the following parties:

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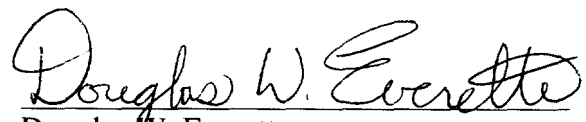
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